

## **REMARKS**

This is a full and timely response to the non-final Office mailed August 12, 2005 (Paper No./Mail Date 050723). Reconsideration and allowance of the Application and present claims are respectfully requested. Through the foregoing amendments, claims 1 – 113 are cancelled, and new claims 114 – 129 are added.

### **I. Examiner Interview**

Applicant first wishes to express sincere appreciation for the time that Examiner Beliveau spent with Applicant's Attorney Jeff Kuester during an interview on January 19, 2006. During that interview, previously pending claim 83 and the general subject matter of the above claim amendments and FIG. 11 of the present application were discussed, along with the Ellis and McKissick references. No agreement was reached. Applicant respectfully requests that Examiner Beliveau carefully consider this response.

### **II. Priority**

Applicants are not addressing the validity of all assertions made in the Office Action regarding the priority of this Application. Therefore, Applicants should be not presumed to agree with any statements made in the Office Action regarding the priority of the Application unless otherwise specifically indicated by Applicants.

### **III. Response to Arguments**

While the Office Action states that the previous arguments were moot in view of the new grounds of rejection, Applicants contend that the response to those arguments is also now moot in view of the new claims 114 – 129.

### **IV. Claim Rejections Under 35 U.S.C. § 103**

Claims 83-86, 96-99, and 109-133 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Publication No. 2004/0117831 to *Ellis, et al.* While Applicants respectfully traverse that rejection, Applicants further submit that the cancellation of those claims renders the rejection moot.

V. New Claims 114 - 129

For a variety of reasons, Applicants submit that all of the presently pending claims are clearly allowable over all of the cited references. First, the presently pending claims 114 – 129 are now clearly directed to video-on-demand (VOD) presentations, which are understood by those skilled in the art to be distinct from pay-per-view (PPV) presentations and other presentations that have scheduled broadcasts. Consequently, any motivation to add reminders for scheduled events is not applicable to the presently claimed combination that includes providing reminders for currently viewable video-on-demand presentations.

Second, the presently claimed combinations include providing a reminder list on one screen that includes titles of at least one currently viewable video-on-demand presentation and at least one coming soon video-on-demand presentation. While dependent claims 115 and 116, as well as 123 and 124, present distinct arrangements for the different types of video-on-demand presentations, Applicants submit that no references, alone or in combination, disclose a single screen that shows either arrangement, each of which has distinct functionality implications.

Third, Applicants contend that the final elements of claims 114 and 122 are definitely not shown or rendered obvious by any of the cited references. More specifically, Applicants submit that the following elements are not shown in any references:

*subsequent to the displaying of the reminder list, determining whether the release date previously displayed as the future release date for the video-on-demand presentation previously listed as the coming soon video-on-demand presentation is no longer a date in the future; and responsive to both determining that the release date is no longer a date in the future and receiving additional viewer input requesting display of the list of currently viewable video-on-demand presentations, providing to the viewer a message separate from the reminder list that the video-on-demand presentation previously listed as the coming soon video-on-demand presentation is now available for renting, wherein the message includes an option for the viewer to rent the video-on-demand presentation.*

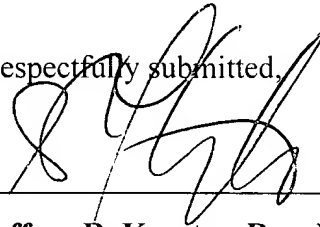
**VI. Miscellaneous**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well-known for at least the specific and particular reason that the presently claimed combinations are too complex to support any such findings.

## **CONCLUSION**

Applicants respectfully maintain that the currently pending claims 114 – 129 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent Application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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